

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. CR-17-239-D
)	
JERRY DRAKE VARNELL,)	
)	
Defendant.)	

DEFENDANT'S REQUESTED VOIR DIRE

The Defendant, Jerry Drake Varnell, through his attorneys of record, Marna Franklin and Vicki Zemp Behenna, pursuant to this Court's order (Doc. 204) advising counsel that they may submit proposed voir dire questions to the Court on three subject areas: 1) pre-trial publicity; 2) the 1995 Oklahoma City bombing; and 3) mental health, submits the following voir dire questions.

THE OKLAHOMA CITY BOMBING

1. Do you remember the Oklahoma City bombing?
 - a. Where were you when you heard about the bombing in downtown Oklahoma City?
 - b. How old were you when the bombing occurred in April 1995?
2. Did you know any victims or survivors of the bombing?
 - a. Who?
 - b. What is your relationship with the person?
 - c. How did you know that person?
 - d. How long did you know that person prior to April 19, 1995?
3. Did you have any physical injury or property damage from the Oklahoma City bombing?
4. Were you working in downtown Oklahoma City in April 1995?
5. Did you have any involvement in the aftermath of the bombing?
 - a. Did you donate blood?
 - b. Did you make a donation of any kind to victims, families or first responders?
 - c. Did you volunteer at any center, church or other organization to provide assistance to victims, families or first responders?
6. Were you employed by the Federal Government or Tinker Air Force Base between April 1995 through June 1997?
7. How many times have you gone to the Oklahoma Memorial reflecting pool?

8. Have you toured the Oklahoma Memorial Museum?
9. Have you participated in the Oklahoma Memorial Marathon?
 - a. Why?
 - b. Are you a runner?
 - c. Did you run in remembrance of someone?
 - d. Who?
10. Have you volunteered for the marathon?
 - a. When?
 - b. How many times?
11. Did you watch any part of the trial, either by attending the trial in Denver, or by watching the closed circuit viewing of the trial?
12. Have you read any books or watched any documentaries about the Oklahoma City bombing?
 - a. What was the name of the book?
 - b. How long ago did you read the book?
 - c. Do you still own a copy of the book?
 - d. What was the name of the documentary?
 - e. How long ago did you see the documentary?
13. Did you have any family members or friends affected by the Oklahoma City bombing?
 - a. Who?
 - b. How were they affected?

14. Did you know any of the City, State or Federal law enforcement officers, or First Responders who were involved in or who responded to the scene after the bombing?
 - a. Who?
 - b. What is your relationship to that person?
 - c. What, if anything, did they tell you about their participation in the investigation or aftermath of the bombing?
15. The evidence in this case will be that the FBI allegedly provided Mr. Varnell with inert explosive components and instructions on how to build and detonate the explosive. Unlike the Oklahoma City Bombing, you understand Mr. Varnell is charged with “attempting” to use explosives and that there was no imminent danger to buildings or people in downtown Oklahoma City?
16. Knowing that you have these ties to the Oklahoma City Bombing, or are close to someone with such ties, given the allegations in this case, do you believe that you would be better suited to serve on a jury not involving these types of allegations?
17. If you were to hear testimony regarding an alleged plot to put an inert explosive device in downtown Oklahoma City, do you think it would be difficult, a challenge, or impossible to set aside past feelings or experiences and focus only on the facts submitted in this case, and reach a verdict in this case based solely on the evidence presented in court?

KNOWLEDGE OF THE DEFENDANT AND CHARGES

1. Do you know the defendant in this case: Jerry Drake Varnell?
 - a. How do you know the defendant?
2. Have you heard any news coverage, whether it was received from a television news channel, or from printed media, or through social media, about the defendant or the charges in this case?
 - a. What did you hear?
 - b. From what source did you learn the information?
3. Have you heard any news accounts about an attempt to bomb the BancFirst building in downtown Oklahoma City in 2017?
 - a. What did you hear?
 - b. Have you reached any conclusions about this case as a result of what you heard or read about this case?
4. You understand that the only evidence admitted in court, during trial, is evidence you can consider in determining whether the Government has proved its case beyond a reasonable doubt?

MENTAL HEALTH

(To be discussed privately with the Court and Counsel)

1. Have you ever suffered from depression, anxiety, emotional distress or mental illness of any kind?
 - a. Identify the mental health issue or diagnosis?
2. Are you under the care of a psychiatrist or psychologist?

- a. Identify your provider?
3. Are you taking medications for mental health issues?
 - a. Describe the medication(s) you are taking.
 - b. Do your medications affect your ability to concentrate?
4. Do you have any parents, siblings, children or close family members or friends who suffer from mental illness?
 - a. Identify the family member or friend.
 - b. What is their diagnosis?
 - c. Are they taking medication?
 - i. Identify the medications
 - ii. How long has the person been taking medication?
5. Has anyone close to you ever suffered from depression, anxiety, emotional distress or mental illness of any kind?
6. Specifically, do you have, or have you had any family members or friends diagnosed with Schizophrenia?
 - a. Who?
 - b. When were they diagnosed?
 - c. Did the person live with you?
 - d. Were they under the care of a mental health professional?
7. Have you, anyone in your family, or anyone close to you ever received counseling for any kind of emotional, family or psychological problem or for a mental illness of some kind?

- a. Please explain.
 - b. Type of professional treatment.
8. Have you, anyone in your family, or anyone close to you used medications for emotional or psychological problems?
 - a. Who?
 - b. What medications?
 - c. Was the medication helpful?
 - d. Did you, or your family member, or person close to you have any side effects from using this medication?
9. Do you know anyone who has a serious emotional or psychological problem who has not received any help or treatment?
 - a. Who?
10. Do you think that anyone can overcome any kind of mental health problem if they try hard enough?
11. Have you or anyone close to you ever taken any courses or training in or worked in the field of mental health or with people who have mental health issues?

Respectfully submitted,

/s/ Vicki Zemp Behenna
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*Attorney for Defendant,
Jerry Drake Varnell*

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of February, 2019, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF System for filing and transmittal of Notice of Electronic Filing, which will automatically send e-mail notification of such filing to all attorneys of record.

/s/ Vicki Zemp Behenna
Vicki Zemp Behenna